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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,400	03/17/2005	Haral Sicke	AP051-05	5010
10037	7590	06/27/2007		
MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			EXAMINER LANDRUM, EDWARD F	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/528,400

Applicant(s)

SIEKE ET AL.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34,36-38,40,46-49 and 56-63 is/are pending in the application.
- 4a) Of the above claim(s) 58-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,36-38,40,46-49,56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/6/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/6/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Foreign Patents.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 58-63 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 58-63 are not directed towards species a) of the original restriction requirement filed 5/26/2006.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 58-63 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 34, 36-38, 46, 48, 49, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Wessels (German Patent no 29806561.7).

Wessels teaches (see Figures 1-3) a device capable of trimming windshield wiper blades having a basic body with a longitudinal passage (See Figure 1). Two longitudinal webs formed in a facing relationship on opposite sides of the longitudinal

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passage from a first guide (generally 3). A cutting unit (1, 2, and 4) is adjustably mounted in the body and comprises a cutting blade (1) positioned normal to the direction of movement of a wiper blade and normal to a cutting direction. A second guide (4 and 2) is located in proximity to the cutting blade and is capable of guiding a wiper blade. The second guide tapers in a direction of movement of the material being cut (6) from a large width to a fixed width (depth of guide decreases as guide portion 2 tapers upwards to a fixed height towards the top of the second guide 4 in a direction of movement of the material being cut). Figures 2 and 3 show that the second guide has a depth (distance between 2 and top of 4) capable of covering a portion of a lip of a wiper blade to be cut. The second guide expands into a discharge passage after the blade. Means (the two posts and springs shown in Figures 2 and 3) are provided for adjusting the cutting unit with respect to the first guide. A locking means (5) is provided to lock the cutting unit into place.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wessels in view of Diebold (German Patent No. 4110799) in further view of Tarpill et al (U.S. Patent No. 6,581,291), hereinafter Tarpill

Wessels teaches all of the elements of the current invention as stated above except the adjusting means including a spindle that interacts in a play free manner with an adjusting wheel that is mounted in a recess of the body.

Biebold teaches (see Figure 1) providing an adjustment mechanism for a cutter (4) in a wiper blade cutter comprising a thumb wheel (6) and a spindle (generally 7) that interact play free with each other as they are threadingly attached to one another.

It would have been obvious to have modified Wessels to incorporate the teachings of Diebold to provide a play free adjustment mechanism for the cutting unit. Doing so would allow a user to easily and accurately make fine adjustments to the height of the cutting blade thereby allowing a user to save as much of the cutting blade as possible for later use.

Tarpill teaches (see Figure 5) it is old and well known to place a thumb wheel (52) in the recess of the housing.

It would have been obvious to have modified the modified device of Wessels to incorporate the teachings of Tarpill place the thumb wheel in a recess of the housing. Doing so would aid in preventing the thumb wheel from being moved accidentally during the cutting process thereby making it so a user would not as often have to re-cut a wiper blade due to changes in the cutting height of the cutting blade.

6. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wessels in view of Diebold.

Wessels teaches all of the elements of the current invention as stated above except curving the first wiper blade guide and the entrance to the longitudinal passage.

Diebold teaches (see Figure 2) curving the entrance to the longitudinal passage as well as curving the first wiper blade guide in the longitudinal direction as the curves (19) are in the longitudinal direction of the cutting unit.

It would have been obvious to have modified Wessels to incorporate the teachings of Diebold to curve both the entrance to the passage as well as first guide as doing so would allow a user to more easily place the wiper blade into the wiper blade guide thereby making the cutting process more efficient.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 34, 36-38, 40, 46-49, 56, and 57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeland (U.S Patent No. 5,848,471), Plana (U.S Patent No. 4,693,004), Nguyen (U.S Patent No. 5,044,081), Samuelsson (U.S Patent No. 4,604,802), Faggioto (U.S Publication No. 2001/0034919), Ducret (U.S Patent No. 5,809,652), Danter et al (U.S Patent No. 5,381,601), Matthews (U.S Patent No. 2,013,893), Belling (U.S Patent No. 6,611,571), Fabian (U.S Patent No. 3,886,657), and Carney et al (U.S Patent No. 5,285,577) teach elements of the current invention.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
6/19/2007

EFL

  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER